

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA  
MARTINSBURG**

**GORDON A. SHARPE,**

Plaintiff,

v.

**CIVIL ACTION NO.: 3:23-CV-175  
(GROH)**

**STATE,  
BERKLEY COUNTY MAGISTRATE COURT,  
WV DIVISION OF MOTOR VEHICLES,  
TROOPER TA ELLIS BADGE #152,  
PROSECUTOR, EVERETT FRAZIER,  
SUSAN G. RINGER, JENNIFER PIERSON,  
and DARRELL SHULL,**

Defendant.

**ORDER ADOPTING REPORT AND RECOMMENDATION IN PART  
AND DISMISSING CASE WITHOUT PREJUDICE**

Now before the Court is a Report and Recommendation ("R&R") issued by United States Magistrate Judge Robert W. Trumble. ECF No. 13. Pursuant to this Court's Local Rules and 28 U.S.C. § 636(b)(1)(A), the Defendant's Motion to Dismiss was referred to Magistrate Judge Trumble. ECF No. 10. On October 20, 2023, Magistrate Judge Trumble issued his R&R, recommending that the complaint be dismissed without prejudice. ECF No. 13. The Plaintiff timely filed objections on November 2, 2023. ECF No. 15.

Pursuant to 28 U.S.C. § 636(b)(1)(C), this Court is required to conduct a de novo review of those portions of the magistrate judge's findings to which objection is made. However, this Court is not required to review, under a de novo or any other standard, the

factual or legal conclusions of the magistrate judge to which no objection is made. Thomas v. Arn, 474 U.S. 140, 150 (1985). Failure to file objections in a timely manner constitutes a waiver of *de novo* review and a plaintiff's right to appeal this Court's order. 28.U.S.C. § 636(b)(1); Snyder v. Ridenour, 889 F.2d 1363, 1366 (4th Cir. 1989); United States v. Schronce, 727 F.2d 91, 94 (4th Cir. 1984). Moreover, "[w]hen a party does make objections, but these objections are so general or conclusory that they fail to direct the district court to any specific error by the magistrate judge, *de novo* review is unnecessary." Green v. Rubenstein, 644 F. Supp. 2d 723, 730 (S.D. W. Va. 2009) (citing Orpiano v. Johnson, 687 F.2d 44, 47 (4th Cir. 1982)).

In his R&R, Magistrate Judge Trumble found that the Court lacks jurisdiction, the named defendants are immune from suit, and the Complaint fails to state a claim upon which relief can be granted. The Plaintiff's objections take issue with various legal points, but the problem for the Plaintiff is his suit is clearly without merit in this Court.

This is a Court of limited jurisdiction. It only has the authority to entertain those matters which are clearly prescribed and delegated by the Constitution. Citing federal statutes does not automatically give rise to a claim that can be heard in federal court. Here, there is no federal question, the Plaintiff has failed to state a claim, and the Defendants are clearly entitled to the various immunities discussed in the R&R.

Upon careful review, and finding no error of fact or law, the Court **ORDERS** that Magistrate Judge Trumble's Report and Recommendation [ECF No. 13] is **ADOPTED** for the reasons more fully stated therein. Therefore, the Plaintiff's Complaint [ECF No. 1] is **DISMISSED WITHOUT PREJUDICE**. The remaining motions are **TERMINATED AS MOOT**. ECF Nos. 6–9.

The Clerk of Court is **DIRECTED** to **REMOVE** this case from the Court's active docket. The Clerk is further **DIRECTED** to mail a copy of this Order to the *pro se* Plaintiff by certified mail, return receipt requested, at his last known address as reflected on the docket sheet.

**DATED:** November 27, 2023

  
GINA M. GROH  
UNITED STATES DISTRICT JUDGE